

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY GIRALDES,

Plaintiff,

No. CIV S-01-2110 LKK EFB P

vs.

T. PREBULA, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 24, 2010, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Defendants filed objections on July 8, plaintiff filed objections on July 9, and plaintiff filed a reply to defendants' objections on July 29. Those filings have been considered by the undersigned.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the

1 entire file, the court finds the findings and recommendations to be supported by the record and by  
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:


4 1. The findings and recommendations filed June 24, 2010, are adopted in full;

5 2. Defendants' April 28, 2005, motion for summary judgment is denied as to  
6 defendants Andreasen, Prebula and Gavia;

7 3. Defendants' April 28, 2005, motion for summary judgment is granted as to  
8 defendant Sauhkla;

9 4. Plaintiff shall file his pretrial statement within 30 days of the date of this order,  
10 and defendants shall file their pretrial statement within 15 days of plaintiff's filing.

11 DATED: August 31, 2010.

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15 LAWRENCE K. KARLTON  
16 SENIOR JUDGE  
17 UNITED STATES DISTRICT COURT  
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